

SERVICE DATE – SEPTEMBER 8, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 697 (Sub-No. 1)

APPOINTMENT OF AGENT TO REQUIRE EMERGENCY ROUTING OF AMTRAK  
PASSENGER TRAINS

Digest:<sup>1</sup> The Board is appointing a Board staff member who can act immediately on behalf of the Board to issue emergency routing orders permitting National Railroad Passenger Corporation (Amtrak) passenger trains to detour over the lines of other railroads.

Decided: August 31, 2015

Pursuant to 49 U.S.C. § 24308(b), the Board has statutory authority to require rail carriers to provide facilities immediately when necessary for the movement of National Railroad Passenger Corporation (Amtrak) trains when Amtrak cannot operate its trains via normal routings due to rail line closures or other emergencies. Because these requests occur in emergency situations and require immediate action, we will continue the practice of appointing a Board staff member who can order access immediately on behalf of the Board.<sup>2</sup>

In this decision, we are appointing the Director of the Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC), or, in the Director's absence, a Deputy Director of OPAGAC, as the Agent of the Board, vested with authority to issue emergency routing orders requiring a rail carrier to immediately make its track and other facilities available to Amtrak for the operation of its passenger trains in emergencies, as appropriate. While these emergency routing orders allow for the continued operation of Amtrak and do not address compensation terms, if the parties cannot agree on such terms and conditions of access, they can subsequently petition the Board. We expect parties to work together and with the Director or a Deputy Director to reach a practical and efficient resolution of an access issue during an emergency situation.

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<sup>1</sup> The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

<sup>2</sup> A Board order served on February 23, 1996 (Appointment of Agent to Require Emergency Routing of Amtrak Passenger Trains) (no docket number) vested authority in an employee who has since retired from the Board.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The Director of OPAGAC or, in the Director's absence, a Deputy Director of OPAGAC is hereby appointed Agent of the Board vested with authority to issue orders requiring a railroad immediately to make its tracks and facilities available to Amtrak for the operation of its passenger trains in emergencies.

2. This decision is effective on the date of service.

3. This order shall be served upon the Secretary of Transportation, the Association of American Railroads, and Amtrak.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Miller.